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March 6, 2019

VIA ECF

Hon. Vernon S. Broderick
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 518
New York, NY 10007

Re: *City of Riviera Beach General Employees Retirement System v. Macquarie Infrastructure Corporation, et al.* (1:18-cv-03608)

Dear Judge Broderick:

We represent Macquarie Infrastructure Corporation (“MIC”) and the individual defendants in the above-referenced action. On behalf of all parties, we write to respectfully request that the Court align the time for all defendants to respond to the recently-filed Consolidated Class Action Complaint and set a briefing schedule for defendants’ anticipated motions to dismiss.

In April 2018, City of Riviera Beach General Employees Retirement System and Daniel Fajardo each filed separate securities fraud class action lawsuits against MIC and four individual defendants. Both complaints alleged violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) and SEC Rule 10b-5 promulgated thereunder. On January 30, 2019, the Court entered an order consolidating those actions and appointing Moab Partners, L.P. (“Moab” or “Lead Plaintiff”) as lead plaintiff. *See* ECF No. 52.

On February 20, 2019, Lead Plaintiff filed a Consolidated Class Action Complaint that, in addition to naming the original defendants and asserting the Exchange Act claims identified above, also added (i) nine new defendants, and (ii) new claims under Section 20A of the Exchange Act and Sections 11, 12(a)(2) and 15 of the Securities Act of 1933. At Lead Plaintiff’s request, our firm agreed to accept service on behalf of the seven newly-added individual defendants. Hughes Hubbard & Reed LLP, which will be representing newly-added defendant Macquarie Infrastructure Management (USA) Inc., has also agreed to accept service on its behalf.¹ Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(ii), the newly-added defendants who have agreed to waive service have until April 22, 2019 to respond to the Consolidated Class Action Complaint.

¹ We understand that the other newly-added defendant, Barclays Capital Inc., which will be represented by Paul Weiss Paul, Weiss, Rifkind, Wharton & Garrison LLP, has been served.



In light of the foregoing, we have proposed, and counsel for Lead Plaintiff and the other defendants concur, that the time for all defendants to respond to the Consolidated Class Action Complaint should be aligned and that, with the Court's permission, the following schedule be set:

April 22, 2019: Defendants to respond to the Consolidated Class Action Complaint;

June 21, 2019: Lead Plaintiff to file its opposition(s) to any motions to dismiss;

July 22, 2019: Defendants to file replies in further support of any motions to dismiss.

The parties respectfully submit that this proposed schedule will not lead to any undue delay in the disposition of this matter. This is the parties' first request for a modification of the case schedule. We have included a "So Ordered" provision at the end of this letter in the hope that this proposal is acceptable.

Respectfully,

/s/ John E. Schreiber

John E. Schreiber

cc: All Counsel of Record (via ECF)
Susanna Buergel, Esq. (via email)

SO ORDERED this _____ day of _____, 2019

HONORABLE VERNON S. BRODERICK
United States District Judge